UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.151/PC/124
25 February 1992
ENGLISH
ORIGINAL: ARABIC/CHINESE/
ENGLISH/FRENCH/
RUSSIAN/SPANISH

PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT
AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group II
Item 2 of the provisional agenda*

PROTECTION OF THE OCEANS AND ALL KINDS OF SEAS, INCLUDING ENCLOSED AND SEMI-ENCLOSED SEAS, AND COASTAL AREAS AND THE PROTECTION, RATIONAL USE AND DEVELOPMENT OF THEIR LIVING RESOURCES

Global aspects of marine pollution

CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER

Note by the Secretary-General of the Conference

1. In its decision 1/20, paragraph 2, the Preparatory Committee for the United Nations Conference on Environment and Development invited the International Maritime Organization (IMO) "to consider initiating work to strengthen the regime curbing dumping at sea".

2. In response, IMO prepared a report (A/CONF.151/PC/31), which was considered by the Preparatory Committee at its second session. The Fourteenth Consultative Meeting of the Contracting Parties (London, 25-29 November 1991) adopted further resolutions on this subject which it requested be forwarded to the Preparatory Committee. IMO has therefore prepared the following material for the consideration of the Preparatory Committee at its fourth session (see annex).

---

* See A/CONF.151/PC/96.

best copy available

ANNEX

Outcome of the Fourteenth Consultative Meeting
of Contracting Parties, London, 25-29 November 1991

1 INTRODUCTION

1.1 The International Maritime Organization (IMO) in response to PrepCom decision 1/20, paragraph 2, submitted a report to the second session of the Committee reflecting the accomplishments and achievements made within the framework of the London Dumping Convention, including resolution LDC.40(13) adopted by the Thirteenth Consultative Meeting of Contracting Parties to the London Dumping Convention (A/CONF.151/PC/31). For easy reference, the text of resolution LDC.40(13) has been reproduced in annex 1 to this document.

1.2 The Fourteenth Consultative Meeting of Contracting Parties convened from 25 to 29 November 1991, requested IMO to forward additional comments to the UNCED Preparatory Committee, together with details of relevant decisions and actions taken at that Meeting.

1.3 A text adopted by the Fourteenth Consultative Meeting for submission to the fourth session of the Preparatory Committee is set out in section 2. Section 3 and 4 contain other relevant decisions and actions taken by the Consultative Meeting.

2 FURTHER ACTION TO RESOLUTION LDC.40(13)

2.1 At the Thirteenth Consultative Meeting of the London Dumping Convention the Contracting Parties adopted resolution LDC.40(13) concerning the Protection of the Oceans and all Kinds of Seas, including Enclosed and Semi-enclosed Seas, and Coastal Areas. That resolution was submitted to the Second Session of the Preparatory Committee (PrepCom II) of UNCED (A/CONF.151/PC/31). The Fourteenth Meeting of Contracting Parties to the London Dumping Convention, London, 25-29 November 1991, invites the attention of UNCED to resolution LDC.40(13) in regard to Agenda 21 and offers the following information and comments on UNCED documents A/CONF.151/PC/WG.II/L.18 and L.19/Add.2.

Resolution LDC.40(13)

2.2 The Consultative Meeting welcomes the fact that international co-operation and co-ordination to protect the marine environment from pollution from all sources is being addressed in section E of A/CONF.151/PC/WG.II/L.18. It is encouraged that UNCED is considering proposals at the highest intergovernmental level on ocean matters. The Contracting Parties believe that the London Dumping Convention can provide a special contribution to this effort and will similarly benefit from the strengthened co-ordination envisioned by those proposals. For example, by resolution LDC.46(14), the Contracting Parties call upon relevant regional organizations and the Consultative Meeting to co-ordinate and encourage the harmonization of policies and to mutually support and participate in activities to promote the prevention of pollution in the marine environment. Resolution LDC.46(14) is shown in annex 2.

2.3 Whereas the London Dumping Convention provides the appropriate global framework to limit and control the dumping of wastes at sea, the Meeting notes with appreciation the proposals contained in document L.18, on prevention, reduction and control of land-based sources of marine pollution, including the proposal for a new global framework on land-based sources of marine pollution, and encourages UNCED activities in this regard.

2.4 Concerning the precautionary approach in addressing waste management problems in the context of ocean dumping, the attention of the Preparatory Committee of UNCED is drawn to the Fourteenth Consultative Meeting's resolution LDC.44(14) on the application of a precautionary approach in environmental protection within the framework of the Convention, as shown in annex 3.

2.5 The Contracting Parties note with satisfaction that Agenda 21 urges States to ratify or accede to the Convention as soon as possible or to inform the Secretariat of any specific problems that they may have and assistance they may require in implementing the provisions of the Convention. Regarding the recommendation to strengthen mechanisms for

/...

providing co-operation, transfer of technology and assistance that would improve the capacity of developing countries to implement the measures addressed above, the Contracting Parties, at their next meeting, will address the implementation of any such mechanisms approved by UNCED.

Additional Items

2.6 The Fourteenth Consultative Meeting offers the following additional information and comments on Agenda 21 proposals on ocean dumping:

.1 The Consultative Meeting notes with interest the call to develop an international regulatory global framework for offshore oil discharges, safety and disposal activities by 1995. There is substantial expertise on marine pollution impact matters within the London Dumping Convention which can be brought to bear on those efforts.

.2 The Contracting Parties note the proposals to construct appropriate sewage treatment facilities, but stress that longer term environmentally sound solutions are needed, with a view to ultimately alleviate the need for sewage sludge disposal at sea.

.3 An issue of continuing concern to the London Dumping Convention is the quality of contaminated spoils from dredging of basins and navigation channels for disposal at sea. There is a direct relationship between measures to reduce the anthropogenic inputs of hazardous substances to surface waters, and the improvement of the quality of dredged material for disposal, resulting in better protection of the marine environment as well as the potential for significant cost savings in managing dredged material. Such measures may include waste audits and future guidelines for the implementation of new assessment procedures which are being developed within the framework of the London Dumping Convention.

.4 The transboundary movement of hazardous wastes for the purpose of ocean dumping was recently addressed in resolution LDC.42(13) which calls upon Contracting Parties to prohibit or not to permit the export of wastes for dumping at sea to States not Party to the Convention.

.5 The Consultative Meeting of Contracting Parties to the London Dumping Convention addressed the dumping of industrial wastes at sea in its resolution LDC.43(13) by which Contracting Parties agree to cease such dumping by the end of 1995.

.6 Resolution LDC.39(13) addresses incineration of noxious liquid wastes at sea. The Contracting Parties agreed to re-evaluate that practice with a view toward its termination. It is noted that in early 1991 the sole remaining incineration ship ceased operation.

.7 The Contracting Parties are conducting a Global Waste Survey to determine any technical and social difficulties in the adoption of alternative methods of industrial waste management, including waste avoidance, reduction, treatment and disposal options. The results of the survey will benefit both Contracting Parties to the London Dumping Convention and countries not Party to it. With respect to the phasing out of dumping of industrial wastes, the Contracting

Parties have already committed themselves by resolution LDC. 43(13) to facilitate access to, and transfer of, environmentally sound technologies, particularly to developing countries.

.8 With regard to responsibility for damage to the environment caused by dumping of wastes and liability and compensation for such damages, Article X of the Convention requires Contracting Parties to undertake to develop procedures for the assessment of liability and work is ongoing within the Convention.

.9 Annex I to the London Dumping Convention prohibits the sea disposal of high level radioactive waste. Other Annexes regulate the sea disposal of low level radioactive waste. Several resolutions on this matter have been adopted by the Consultative Meeting to suspend sea disposal of radioactive waste: by resolutions LDC.14(7) and LDC.21(9) Contracting Parties agreed to suspend the disposal at sea of low level radioactive wastes; by resolution LDC.41(13) it included the disposal of radioactive wastes into sub-seabed repositories accessed from the sea. These decisions will be reviewed in 1993 after the completion by its Inter-governmental Panel of Experts on Radioactive Waste Disposal at Sea (IGPRAD) of additional scientific and technical studies and assessments and studies on the political, legal, economic and social aspects of radioactive waste dumping. Consistent with those resolutions, since 1982 no permit has been granted for the disposal at sea of low-level radioactive waste.

3 GLOBAL SEWAGE MANAGEMENT SURVEY

3.1 The Fourteenth Consultative Meeting considered a recommendation of its Scientific Group regarding the need for a global sewage management survey to be carried out by either the Scientific Group or, even more appropriately, by another relevant United Nations Organization. The elements of such a survey should include the following:

- existing and future trends in the collection and treatment of sewage;
- the use of municipal waste water collection and treatment systems for combined or separate management of effluent from domestic (including urban run-off) and industrial sources;
- the availability of pretreatment programmes and techniques for reduction of toxic compounds from industrial discharges prior to discharge into municipal collection systems;
- consideration of disposal requirements for liquid and solid phases arising from sludge production and disposal, such as treated effluent as well as dewatering and incineration residues;
- the availability and sustainability of productive uses of sewage sludge such as land-spreading, composting, etc.;
- the implications of population density, land-use, variation in climate and socio-economic factors for the selection of sewage management technologies at local levels;

- the relative environmental implications of land-based and sea-based disposal methods taking into account the relative contributions to nutrient fluxes and the carbon cycle;

- the full economic implications of alternatives including capital investment, energy use/generation, transport, personnel, space/resource utilization and management, including monitoring costs;

- the composition and characteristics (e.g. toxic substances, pathogens) of sewage sludge as they relate to the availability of certain disposal techniques, such as land spreading; and

- the nature, environmental and human health implications of contaminants of non-domestic origin contained in sewage.

3.2 The Consultative Meeting agreed that the survey was necessary and it noted that WHO, UNEP, HABITAT and FAO have shown interest in carrying out or in co-operating in the survey. The Meeting further agreed that recommendations from UNCED on this matter should be taken into account, as well as the need for regional considerations.

3.3 The Meeting requested its Secretariat to continue contacts with other United Nations agencies and regional bodies on this matter; the Scientific Group was requested to advise the Fifteenth Consultative Meeting on how the survey could be carried out, taking into account comments from other relevant organizations.

4 DISPOSAL AT SEA OF RADIOACTIVE WASTES AND OTHER RADIOACTIVE MATTER

4.1 The Fourteenth Consultative Meeting was informed that, at the third session of the Preparatory Committee for the United Nations Conference on Environment and Development (UNCED) (Geneva, August/September 1991), a draft decision on environmentally sound management of radioactive wastes had been prepared by the UNCED Bureau for consideration by the UNCED Working Group II (A/CONF.151/PC/WG.II/L.19/Add.2). A final decision on this issue would be made at the fourth session of the Preparatory Committee (March/April 1992).

4.2 The Meeting also noted that, with regard to further development of international regulations, the above draft decision included an invitation to the Consultative Meeting either to set a legally binding ban on the disposal of low-level radioactive waste at sea or to expedite the work to complete studies on replacing the current voluntary moratorium on the disposal of low-level radioactive wastes at sea, taking into account the precautionary approach with a view to taking a well-informed decision on this issue. Another draft decision was that Governments and international organizations should not allow disposal of high, intermediate or low-level radioactive wastes into, under and "next" to the seabed.

4.3 The Consultative Meeting decided that the Secretariat should prepare a note, in co-operation with the Chairman and Vice-Chairman of the Inter-governmental Panel of Experts on Radioactive Waste Disposal at Sea (IGPRAD), reflecting that the second option was a more realistic

/...

reflection of present considerations within the London Dumping Convention, and submit it to the fourth session of the UNCED Preparatory Committee.

4.4 In connection with the above consideration the attention of the Preparatory Committee of UNCED is drawn to resolution LDC.21(9) by which Contracting Parties agreed to continue the suspension of all dumping at sea of radioactive wastes and other matter pending the completion of studies and assessments outlined in the operative paragraphs 2 to 5 of that resolution. Resolution LDC.21(9) is shown in annex 4. Since 1982 no permit has been issued by a Contracting Party for the disposal at sea of radioactive waste.

4.5 The Inter-governmental Panel of Experts on Radioactive Waste Disposal at Sea (IGPRAD) and the International Atomic Energy Agency (IAEA) have made considerable progress in carrying out the work requested by the above resolution. With regard to the establishment of an inventory of radioactive wastes from all sources entering the marine environment (operative paragraph 6 of resolution LDC.21(9)) the IAEA undertook to carry out the work; several reports in draft form have been made available to the Consultative Meeting.

4.6 The Fourteenth Consultative Meeting noted that IGPRAD and the IAEA will complete their work by mid-1993. The Sixteenth Consultative Meeting of Contracting Parties, scheduled for late 1993, will in the light of the results of the studies and assessments review its position concerning the disposal at sea of low-level radioactive wastes and other matter.

***

ANNEX I

RESOLUTION LDC.40(13)

THE PROTECTION OF THE OCEANS AND ALL KINDS OF SEAS, INCLUDING ENCLOSED AND SEMI-ENCLOSED SEAS, AND COASTAL AREAS

THE THIRTEENTH CONSULTATIVE MEETING,

AWARE that the environment in general, and the marine environment in particular, has continued to deteriorate, notwithstanding the environmental protection measures already taken,

AWARE ALSO that the quantity, diversity and complexity of chemical compounds entering the environment make it extremely difficult to determine the overall threat to the environment,

RECOGNIZING that the volume of hazardous substances and wastes generated must be reduced if sustainable development is to be achieved and environmental security and human health are to be ensured for future generations,

CONSCIOUS that, notwithstanding the measures already adopted and implemented to protect the marine environment, additional measures are necessary to arrest and reverse marine ecosystem degradation, especially through alternative clean production methods applicable to hazardous waste streams,

RECALLING UNEP decision 15/27 of 25 May 1989, by which the Governing Council of the United Nations Environment Programme recommended the principle of precautionary action, the Governing Council's decisions SS.II/4B of 3 August 1990 on a comprehensive approach to hazardous waste and SS.II/6 of the same date on the need for effective global protection of ocean and coastal ecosystems,

NOTING that land-based sources of pollution constitute the major threat to the marine environment,

NOTING ALSO that no global instrument exists for the control of land-based sources of marine pollution, and that legal instruments for that purpose have been adopted in only five regions,

MINDFUL that existing pollution control approaches, under the London Dumping Convention, have been strengthened by shifting the emphasis from a system of controlled dumping based on assumptions regarding the assimilative capacity of the oceans, to approaches based on precaution and prevention,

NOTING FURTHER in this regard that national legislation in a number of countries prohibits the dumping at sea of industrial wastes and sewage sludge and that decisions and appeals for an end to dumping of wastes at sea have been made by a number of international fora,

/...

NOTING that regional conventions such as the Helsinki Convention for the protection of the Baltic Sea and the Oslo Convention for the protection of the North Sea and the North-east Atlantic have banned or are phasing out the dumping at sea of industrial wastes, sewage sludge and incineration of noxious liquid wastes at sea, and that other regional conventions such as those developed under the UNEP Regional Seas Programme, address waste disposal at sea,

REALIZING the need for international multilateral and bilateral co-operation and assistance, including the transfer of technology, the allocation of financial and other resources to developing countries, to implement the actions set out below,

STRESSING the important provisions concerning the preservation and protection of the marine environment contained in the UN Convention on the Law of the Sea, particularly Part XII,

RECOGNIZING ALSO the importance of the 1992 United Nations Conference on Environment and Development and the importance of making recommendations to national Governments and the appropriate international bodies responsible for the protection of the oceans,

NOTING FURTHER the resolution of the first meeting of the Preparatory Committee of the United Nations Conference on Environment and Development concerning the protection of oceans and all kinds of seas, including its reference to the need for an inter-governmental meeting of experts on land-based sources of marine pollution which will be hosted by Canada in May 1991,

RECOGNIZING FURTHER that it is important to adopt concrete, expeditious, action-oriented and far-reaching measures to achieve sustainable development before the ability to arrest and reverse environmental degradation is surpassed,

AGREES that Part XII of the UN Convention on the Law of the Sea dealing with the protection and preservation of the marine environment constitutes an appropriate global basis for a further elaboration of measures to protect the marine environment from pollution from all sources, through global, regional or bilateral arrangements,

AGREES FURTHER that the Preparatory Committee of the 1992 United Nations Conference on Environment and Development should recommend to the Conference that the following actions be taken:

1 That a global mechanism to co-ordinate the protection of the marine environment from pollution from all sources should be considered. Taking into account existing international agreements, co-ordination may embrace such matters as: accidental and operational pollution from vessels, dumping, pollution from land-based sources, atmospheric pollution, offshore industry, and disposal of wastes into the sea-bed as well as

liability, and mechanisms for transfer of technology and financial resources, and arrangements concerning liability and compensation;

That a global instrument, as well as new or improved regional agreements, for the prevention, reduction and control of land-based sources of marine pollution should be considered. At the global level, such an instrument could be in the form of a declaration of basic principles, a code of conduct for States or a convention. The Montreal Guidelines (UNEP 1985) for the Protection of the Marine Environment against Pollution from Land-based Sources would be an important component of this process. This should take into account, inter alia, a precautionary approach, encouraging the adoption of clean production methods that reduce the generation of hazardous substances;

3 That States and appropriate international fora should also pursue a precautionary approach in addressing waste management problems by, inter alia, focussing on environmentally preferable land-based alternatives to disposal of waste at sea, while ensuring that pollution is not transferred to other parts of the environment via other disposal routes;

4 That national, regional and global fora should actively pursue the elimination of marine pollution through, inter alia, the adoption, implementation and enforcement of more stringent national and regional controls and the active pursuit of such technological and economic measures as clean production methods, including raw materials selection, product substitution and clean production technologies and processes; and

5 That all States which have not yet done so should ratify or accede to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matters;

URGES the Preparatory Committee of the United Nations Conference on Environment and Development to address diligently the need for all States to be able to contribute in the pursuit of the objective of a clean marine environment. International agencies, governments and the private sector should be encouraged to take expeditious steps to strengthen the mechanisms for providing co operation, transfer of technology and assistance that would improve the capacity of developing countries to implement the measures contained in this resolution.

...

ANNEX 2

RESOLUTION LDC.46(14)

LIAISON WITH REGIONAL ORGANIZATIONS

THE FOURTEENTH CONSULTATIVE MEETING,

RECALLING Article I of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (the London Dumping Convention), which states that Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment,

RECALLING ALSO Article II of the Convention requesting Contracting Parties to take effective measures individually and collectively to prevent marine pollution caused by dumping and to harmonize their policies in this regard,

RECALLING FURTHER Article VIII by which Contracting Parties with common interests to protect the marine environment in a given geographical area shall endeavour to enter into regional agreements consistent with this Convention for the prevention of pollution, especially by dumping, and that Contracting Parties shall seek to co-operate with the Parties to regional agreements in order to develop harmonized procedures to be followed by Contracting Parties to the different agreements concerned,

RECOGNIZING that the functions of the Consultative Meeting pursuant to Article XIV (4) include the continuing review of the implementation of the Convention by inter-alia promoting co-operation with and between regional organizations concerned with the prevention of marine pollution,

HAVING NOTED the report of its Steering Group on a Long-term Strategy for the London Dumping Convention which emphasizes that more geographical areas should be covered by regional agreements on the prevention of marine pollution, especially by dumping,

HAVING NOTED FURTHER the recommendations of its Task Team 2000 that the linkages between the Consultative Meeting and other organizations dealing with marine pollution should be strengthened, that the dialogue amongst representatives of regional and global bodies on the prevention and control of marine pollution should be increased, and that the harmonization of control procedures and principles should be encouraged between the London Dumping Convention and other international agreements on marine pollution prevention,

REAFFIRMING the important role of regional organizations in the protection of the marine environment and the importance of good co-operation between Consultative Meetings and such regional bodies,

/...

REAFFIRMING FURTHER its recommendation addressed to the Preparatory Committee of the United Nations Conference on Environment and Development (resolution LDC.40(13)) that a global mechanism to co-ordinate the protection of the marine environment from pollution from all sources should be considered; that the adoption, implementation and enforcement of more stringent national and regional controls and the active pursuit of technological and economic measures, such as clean production methods, should be actively pursued; and that all States which have not yet done so should ratify or accede to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter,

ACKNOWLEDGING the role of the Office for the London Dumping Convention created by the Secretary-General of the International Maritime Organization (IMO), to further the effective implementation of the Convention,

1 INVITES regional organizations established under regional agreements for the protection of the marine environment to support actively initiatives taken within the framework of the London Dumping Convention to promote the effective control all sources of pollution of the marine environment and in particular to take effective measures to prevent marine pollution caused by dumping,

2 ENCOURAGES regional organizations to be represented at Consultative Meetings and meetings of subsidiary bodies and to inform the respective meetings of the measures taken for the protection of the marine environment within the framework of their regional agreements, including achievements made in the field of monitoring the condition of their regional sea areas and relevant scientific research,

3 REQUESTS Contracting Parties to support the United Nations Environment Programme (UNEP) in its efforts to increase the number of areas covered by regional action plans, to ratify or accede to legal instruments developed under regional action plans and to effectively implement requirements of action plans that are in operation,

4 DIRECTS the Office for the London Dumping Convention of IMO to enhance co-operation with regional organizations and with UNEP's Oceans and Coastal Areas Programme Activity Centre (OCA/PAC) to encourage the harmonization of principles and control procedures between regional agreements on the protection of the marine environment and the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter,

5 INVITES:

(a) the Executive Director of UNEP to bring this resolution to the attention of the Governing Council of UNEP and to urge countries that are not yet Contracting Parties to the London Dumping Convention, in particular those countries that are Contracting Parties to a regional convention, to ratify or accede to the Convention as soon as possible or to inform the Secretary-General of IMO of any specific problems they may have and assistance they may require in implementing the Convention,

(b) the Executive Heads of regional bodies established for the protection of the marine environment to inform their membership of the above.

ANNEX 1

RESOLUTION LDC.44(14)

THE APPLICATION OF A PRECAUTIONARY APPROACH IN ENVIRONMENTAL PROTECTION WITHIN THE FRAMEWORK OF THE LONDON DUMPING CONVENTION

THE FOURTEENTH CONSULTATIVE MEETING,

HAVING REGARD to the responsibilities of Contracting Parties, especially in relation to Articles I and II of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Dumping Convention),

AWARE of the concern regarding the health and preservation of the marine environment,

AWARE ALSO that the quantity, diversity and complexity of chemical compounds entering the environment make it difficult to determine the overall threat to the environment,

RECOGNIZING that human activities and social development need to be managed in a manner that will limit contamination of the marine environment by wastes and other matter, and thereby to ensure that the viability of marine ecosystems and the legitimate uses of the sea are sustained for the benefit of present and future generations,

RECALLING resolution LDC.40(13) of 2 November 1990 concerning the protection of the oceans and all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas,

RECALLING ALSO UNEP decision 15/27 of 25 May 1989, by which the Governing Council of the United Nations Environment Programme recommended the principle of precautionary action, the Governing Council's decision SS.II/4B of 3 August 1990 on a comprehensive approach to hazardous waste, and its decision SS.II/6 of the same date on the effective global protection of ocean and coastal ecosystems,

RECALLING FURTHER the decisions taken in other international fora on a precautionary approach to environmental protection,

MINDFUL that existing pollution control approaches, under the London Dumping Convention, have been strengthened by shifting the emphasis from a system of controlled dumping based on assumptions of the assimilative capacity of the oceans, to approaches based on precaution and prevention,

RECOGNIZING FURTHER the work on the development of an improved framework for the implementation of the London Dumping Convention,

1 AGREES that in implementing the London Dumping Convention the Contracting Parties shall be guided by a precautionary approach to environmental protection whereby appropriate preventive measures are taken when there is reason to believe that substances or energy introduced in the marine environment are likely to cause harm even when there is no conclusive evidence to prove a causal relation between inputs and their effects;

2 AGREES FURTHER that Contracting Parties shall take all necessary steps to ensure the effective implementation of the precautionary approach to environmental protection and to this end they shall:

(a) encourage prevention of pollution at the source, by the application of clean production methods, including raw materials selection, product substitution and clean production technologies and processes and waste minimization throughout society;

(b) evaluate the environmental and economic consequences of alternative methods of waste management, including long-term consequences;

(c) encourage and use as fully as possible scientific and socio-economic research in order to achieve an improved understanding on which to base long-range policy options;

(d) endeavour to reduce risk and scientific uncertainty relating to proposed disposal operations; and

(e) continue to take measures to ensure that potential adverse impacts of any dumping are minimized, and that adequate monitoring is provided for early detection and mitigation of these impacts; and

3 INVITES the Secretary General of the International Maritime Organization to bring this resolution to the attention of the Preparatory Committee of the 1992 United Nations Conference on Environment and Development.

***

ANNEX 4

RESOLUTION LDC.21(9)

DUMPING OF RADIOACTIVE WASTES AT SEA

THE NINTH CONSULTATIVE MEETING,

RECOGNIZING that the marine environment and the living resources of the sea are of vital importance to all nations and that the objective of the London Dumping Convention is to prevent the pollution of the seas by dumping,

CONSIDERING that the Convention should continue to provide an effective global forum for the Contracting Parties in which to pool the advances of science and technology in their effort to combat marine pollution,

TAKING NOTE of the increasing concern of a growing body of public opinion, and in particular among the populations living near present or potential dumping sites, with regard to the dumping of radioactive wastes at sea,

RECOGNIZING that dumping of radioactive wastes at sea may adversely affect the environment of other nations and of regions located beyond the limits of national jurisdiction in contravention with Principle 21 of the UN Declaration on the Human Environment adopted in Stockholm in June 1972,

RECOGNIZING that, under Article I of the Convention, Contracting Parties have pledged themselves specially to take all practicable steps to prevent the pollution of the seas by the dumping of wastes and other matter that is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea,

RECALLING that the Seventh Consultative Meeting in February 1983 adopted resolution LDC.14(7) which called for the suspension of all dumping at sea of radioactive materials pending the presentation to the Contracting Parties of the final report of an expert meeting on radioactive matters related to the London Dumping Convention,

/...

RECOGNIZING that the practice of dumping radioactive wastes at sea has been limited to a few States which have halted such dumping since the adoption of resolution LDC.14(7) of February 1983,

NOTING the findings of the Expert Panel on the Disposal at Sea of Radioactive Wastes contained in document LDC 9/4, Annex 2, and expressing its appreciation to the experts involved in the preparation of this report,

NOTING that the Expanded Panel of Experts recognizes deficiencies in scientific information that need to be resolved for a rigorous and precise assessment of the consequences of sea dumping of radioactive wastes,

ACCEPTING that, as noted by the Expert Panel, in the comparison between options, social, economic, scientific and technological factors are difficult to quantify on a common basis, especially where the social factors have international dimensions; and that, as also noted by the Expert Panel, in the final analysis social and related factors may outweigh those of a purely scientific and technical nature.

NOTING also the absence of comparison between land-based and sea dumping options.

1. AGREES to a suspension of all dumping at sea of radioactive wastes and other radioactive matter to permit time for the further consideration of issues which would provide a broader basis for an informed judgement on proposals for the amendment of the Annexes of the Convention. This suspension will continue pending the completion of the studies and assessments referred to in paragraphs 2 to 3 hereunder;

2. REQUESTS that additional studies and assessments of the wider political, legal, economic and social aspects of radioactive waste dumping at sea be undertaken by a panel of experts to complement the existing Expanded Panel Report;

3. REQUESTS that further assessments examine the issue of comparative land-based options and the costs and risks associated with these options

/...

4. REQUESTS that studies and assessments examine the question of whether it can be proven that any dumping of radioactive wastes and other radioactive matter at sea will not harm human life and/or cause significant damage to the marine environment;

5. REQUESTS the IAEA to advise Contracting Parties with respect to certain outstanding scientific and technical issues relating to the sea dumping of radioactive wastes; specifically:

   (a) To determine whether additional risks to those considered in the revised IAEA Definition and Recommendations justify re-examination of the definition of radioactive wastes and other radioactive matter unsuitable for dumping at sea for certain individual radionuclides;

   (b) To establish source (dose) upper bounds appropriate to the practice of radioactive waste dumping under the Convention;

   (c) To define quantitatively the exempt levels of radionuclides for the purposes of the Convention,

6. REQUESTS the Organization to approach appropriate international agencies to establish and maintain an inventory of radioactive wastes from all sources entering the marine environment;

7. CALLS UPON Contracting Parties to develop, as envisaged in Article 4, procedures for the assessment of liability in accordance with the principles of international law regarding State responsibility for damage to the environment of other States or to any other area of the environment resulting from dumping.

ANNEX 5

STATEMENT BY THE FOURTEENTH CONSULTATIVE MEETING OF CONTRACTING PARTIES TO THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972

The Contracting Parties and observers to the Fourteenth Consultative Meeting accepted the following re-statement of their views on the matter of marine pollution and the forthcoming United Nations Conference on Environment and Development (UNCED) in 1992.

1 In June, 1972, representatives of governments, inter-governmental agencies, non-governmental organizations and the private sector from around the globe came together in Stockholm, Sweden, for the United Nations Conference on the Human Environment. At that historic gathering, on a wide range of issues the conference called upon Governments and peoples to exert common efforts for the preservation and improvement of the environment, for the benefit of all the people and for their posterity.

2 For the oceans, a new impetus to the development of international rules applicable to ocean dumping resulted from the Stockholm Conference. Principle 7 of the Stockholm Declaration calls upon States to "take all possible steps to prevent pollution of the seas by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea". Among other recommendations emanating from the Stockholm Action Plan, special reference was made to the need (Rec. 86) for "an overall instrument for the control of ocean dumping ....".

3 Although the Stockholm principles and recommendations were not directly binding on States, they provided the backdrop and prelude to the adoption of the Convention on the Prevention of Pollution by Dumping of Wastes and Other Matter (the London Dumping Convention) in November of that same year. That agreement represented a significant step forward in the international protection of ocean resources. Having come into force in 1975, to date the London Dumping Convention has 67 Contracting Parties.

4 The basic purpose of the London Dumping Convention is to encourage nations of the world to work together to ensure that the marine environment is protected from the hazards of dumping. Protection of the marine environment, broadly defined, is the foundation of the London Dumping Convention. Article I provides that "Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment ....", while also incorporating the commitments contained in Principle 7 of the Stockholm Declaration.

5 With fifteen years of operational experience, the Contracting Parties have faced an array of challenges in their efforts to protect the marine environment. There resides within the London Dumping Convention substantial

expertise on matters related to ocean dumping specifically, and to broader marine pollution issues. Important refinements of allowable practices have been forged during discussions and debate in the London Dumping Convention's formal Consultative Meetings, with intersessional guidance from subsidiary bodies. Those refinements include: an indefinite moratorium on low-level radioactive waste dumping at sea, dating back to 1983, that is the subject of ongoing risk-related assessments; agreement in 1988 to proceed towards the termination of ocean incineration of liquid noxious wastes by 1994 or earlier; and a decision in November 1990 to phase out industrial waste dumping at sea by 1995. Substantial expertise also has been devoted to developing guidance on the Annexes to the London Dumping Convention to assist governments in assessing the impacts of, and need for, ocean disposal of wastes.

6 In 1991 a resolution was adopted on the application of a precautionary approach in environmental protection within the framework of the London Dumping Convention (Res.44(14), expressing the need that Contracting Parties take action at source through the application of clean production technologies and waste minimization and that a comprehensive or integrated approach to waste management be applied which, inter alia stresses the need to assess the overall and comparative detriment to the environment when considering different disposal options.

7 In co-operation with ten other international organizations the London Dumping Convention initiated in 1991 the "Global Waste Survey" which will provide by 1994 an inventory of industrial wastes problems and land-based options to deal with these wastes, to identify and resolve obstacles to such options, together with an action plan. This survey is carried out to assist Contracting Parties to evaluate and implement actions on banning incineration at sea and dumping of industrial wastes. In addition, the Consultative Meeting agreed to begin the process of amending the convention to modify resolutions adopted over the last decade.

8 By resolution LDC.46(14), the Contracting Parties call upon relevant international organizations and the Consultative Meeting to co-ordinate and encourage the harmonization of policies and to mutually support and participate in activities to promote the prevention of pollution in the marine environment.

9 The Contracting Parties to the London Dumping Convention, as well as the inter-governmental bodies and international non-governmental observers that have been involved in work under the London Dumping Convention, represent a powerful lobbying force for the oceans. Their collective skills have been brought to bear on matters directly related to the London Dumping Convention as well as to marine pollution concerns beyond its scope.

10 As a result, the Contracting Parties at the Thirteenth Consultative Meeting adopted resolution LDC.40(13) addressing the Preparatory Committee for the United Nations Conference on Environment and Development to be held in Brazil in 1992 (A/CONF.151/PC/31 of 23 January 1991). This resolution recommends the Conference to consider:

.1 the creation of a global mechanism to co-ordinate the protection of the marine environment from land sources;

.2 a global instrument and new and improved regional agreements to address land-based sources of marine pollution;

/...

.3 the need to address waste management issues by focusing, inter alia, on environmentally acceptable land-based alternatives to disposal of wastes into the ocean;

.4 the need to pursue the elimination of marine pollution through such activities as the adoption, implementation and enforcement of more stringent national and regional controls and the establishment of such measures as clean production methods and technologies; and

.5 the mechanisms required to provide co-operation, transfer of technology and other assistance to developing countries in order that they can fully participate in the above actions.

11 In anticipation of decisions being taken at UNCED the Contracting Parties to the London Dumping Convention have been reviewing their responsibilities under the Articles of the Convention, how gaps and overlaps between the London Dumping Convention and other global and regional agreements concerned with marine pollution can be addressed. In addition, the Contracting Parties have been reviewing the potential use of an expanded convention to assist in related marine environmental issues, as may be decided by UNCED: Examples of these could include offshore activities, effective application of enforcement in international waters, remedial programmes, etc.

12 The Consultative Meeting of Contracting Parties to the London Dumping Convention re-emphasizes its expertise in global marine pollution issues and its willingness to address action items arising from UNCED as early as the Fifteenth Consultative Meeting in November 1992.